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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,571	04/09/2004	Hideki Morozumi	NGBCP006	1972
25920 7590 04/30/2008 MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085				
EXAMINER				
PHAN, RAYMOND NGAN				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/821,571

Applicant(s)

MOROZUMI, HIDEKI

Examiner

RAYMOND N. PHAN

Art Unit

2111

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

Part III DETAILED ACTION

Notice to Applicant(s)

1. This action is responsive to the following communications: amendment and remark filed on Feb 13, 2008.
2. This application has been examined. Claims 34-43 are pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in--

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claims 34-43 are rejected under 35 U.S.C. § 102(e) as being anticipated by Morimoto et al. (US No. 6,774,935).

In regard to claims 34, 36, Morimoto et al. disclose data processing method of providing a first device (i.e. a camera) adapted to be connected to a second device (i.e. PC or printer), and comprising a communicator having a first interface function defined in an asymmetric interface standard and operable to communicate at least one of a data file and a control command which causes the second device (i.e. printer) to print an image based on image data, with the second device having a second interface function defined in the asymmetric interface standard (see figure 20 see col. 11, lines 51-60); connecting either a personal computer 21 or printer

41A operable to perform printing without aid of a personal computer to a connection port 13 to the first device as the second device (see figure 20); judging whether the second device is either a personal computer S502 or a printer S512 operable to perform printing without an aid of a personal computer (see figure 21, col. 12, lines 8-42); causing the communicator to transmit, to the second device, an image data file containing image data and a control signal S515 causing the second device to print an image based on the image data, in a case where it is judged that the second device is the printer (see figure 21, col. 12, lines 30-42); and causing the communicator to communicate a data file with the second device S510 in a case where it is judged that the second device is the personal computer (see figure 21, col. 12, lines 13-20).

In regard to claims 35, 37, 39, 41, Morimoto et al. disclose wherein the first interface function is a device side interface function of the USB (see col. 12, lines 13-20) and the second interface function is a host-side interface function of the USB (see col. 12, lines 13-20).

In regard to claims 38, 40, 42-43, Morimoto et al. disclose a first device (i.e. a camera) adapted to be connected to a second device (i.e. PC or printer), and comprising a connection port 13, to which either a PC 21 or a printer 41A operable to perform printing without aid of a PC (see figure 20); a storage 8, operable to store at least one data file including an image data file which contains image data (see figure 4, col. 6, lines 10-15); a communicator having a first interface function defined in an asymmetric interface standard and operable to communicate at least one of a data file and a control command which causes the second device (i.e. printer) to print an image based on image data, with the second device having a second interface function defined in the asymmetric interface standard (see figure

20 see col. 11, lines 51-60); connecting the second device to the first device (see figure 20); judging whether the second device is either a personal computer S502 or a printer S512 operable to perform printing without an aid of a personal computer (see figure 21, col. 12, lines 8-42); causing the communicator to transmit, to the second device, an image data file containing image data and a control signal causing the second device to print an image based on the image data S515, in a case where it is judged that the second device is the printer (see figure 21, col. 12, lines 30-42); and causing the communicator to communicate a data file with the second device S510 in a case where it is judged that the second device is the personal computer (see figure 21, col. 12, lines 13-20).

Response to Arguments

5. In view of the amendment and remark filed on Feb 13, 2008, claims 34-43 have been fully considered but they are not deemed to be persuasive.

Applicant(s) argue that ...Morimoto et al. fail to teach either a personal computer or printer is connected to one connection port of the first device... (page 8). The Examiner does not agree. Morimoto et al. teach the connection 13 can be either connected to PC S502 and S503 or printer S511 and S512 (see figure 20-21). Port 13A may be connected PC while no device connected to port 13B or vice versa.

Applicant(s) argue that ...Morimoto et al. fail to teach to judge which one of the PC or the printer is connected as the second device to the connection port ... (page 8). The Examiner does not agree. Morimoto et al. teach the judging of connection 13 can be either connected to PC S502 and S503 or printer S511 and S512 (see figure 20-21). Port 13A may be connected PC while no device connected to port 13B or vice versa.

Applicant(s) argue that ...Morimoto et al. fail to teach to cause the second to print an image based on the image data through the use of still image capture device class and a picture transfer protocol... (page 8). The Examiner does not agree. Morimoto et al. disclose the use of USB cable and USB protocol between the printer and the camera. Still Image Capture device class (SICD) is defined in the USB standard (www.usb.org/developers/devclass_docs/usb_still-img10.pdf) (July 11, 2000) and Picture Transfer Protocol (PTP) is specified by PIMA (Photographic and Imaging Manufacturers Association) on July 5, 2000.

Conclusion

6. Claims 34-43 are rejected.
7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Raymond Phan, whose telephone number is (571) 272-3630. The examiner can normally be reached on Monday-Friday from 6:30AM- 4:00PM. The Group Fax No (571) 273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [raymond.phan@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 central telephone number is (571) 272-2100.

/RAYMOND N PHAN/

Primary Examiner, Art Unit 2111